IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 734(M/S)/2006
(Misc. Application No.7801 of 2006)

1. Sri Ram Chamel Alias Sri Ram Kishan
S/o Late Pandit Asha Ram
R/o 64, Hillcrest, P.O. Road,
Claimant Town, Subhash Nagar
District Dehradun.
2. Arun Sharma S/o Sri Ram Chand Alias Ram Kishan
R/o 64 Hillcrest, P.O. Road,
Claimant Town, Subhash Nagar
District Dehradun. …….. Petitioners

Vs.

1. Additional District Judge/F.T.C. 5th, District Dehradun.
2. Ajay Srivastava S/o Sri L.K. Srivastava,
R/o 15/6 Subhash Road, District Dehradun.
Through it's Power of Attorney Holder Mr. Sanjay Srivastava
3. Sanjay Srivastava S/o Sri L.K. Srivastava,
R/o 15/6 Subhash Road, District Dehradun.
……..Plaintiff Contesting Respondents.
4. Doon Institute of Engineer and Technology,
Through Sri S.D. Singh, 64 Hill Crest, Society Area,
P.O. Road, Claimant Town, District Dehradun.
5. S.D. Singh S/o Sri S. Singh
Founder & Director,
Doon Institute of Engineer and technology,
64 Hill Crest, Society Area P.O. Road,
Claimant Town, District Dehradun.
6. S.D. Singh S/o Sri S. Singh,
R/o 1034 Indira Nagar Colony,
District Dehradun.
Presently R/o Dhoolkote Selakui District Dehradun.
7. Society of Doon Institute of Engineering,
64 Hill Crest, Society Area P.O. Road,
Claimant Town, District Dehradun.
Through its Secretary Mr. Sachin Dubey
8. Sachin Dubey S/o Sri Harimohan Dubey
Secretary for the Society of Doon Institute of Engineering, 64
Hill Crest, Society Area P.O. Road,
Claimant Town, District Dehradun.
9. Sachin Dubey S/o Sri Harimohan Dubey
R/o 64 Hill Crest, Society Area P.O. Road,
Claimant Town, District Dehradun.
10. Pradeep Kumar S/o Sri Jagbeer Singh Thenua,
R/o 64 Hill Crest, Society Area P.O. Road,
Claimant Town, District Dehradun.

11. Doon Institute of Aeronautical Engineering,
Through Mr. Sachin Dubey,
64 Hill Crest, Society Area P.O. Road,
Claimant Town, District Dehradun.
12. Sachin Dubey S/o Sri Harimohan Dubey
For Doon Institute of Aeronautical Engineering,
64 Hill Crest, Society Area P.O. Road,
Claimant Town, District Dehradun.

……Defendants/Respondents.

28.06.2006

Sri Sharad Sharma, Counsel for the petitioners.
Sri Kavaljeet Singh & Sri Vipul Sharma, Counsel for the respondent no.2 & 12.
Standing Counsel for the respondent no.1.

Hon'ble Rajesh Tandon, J.

Heard Sri Sharad Sharma, Counsel for the petitioners, Sri Kavaljeet Singh & Sri Vipul Sharma, Counsel for the respondents no.2 & 12 and Standing counsel for the respondent no.1.

By the present writ petition, the petitioners have prayed for a writ of certiorari quashing the order dated 05.05.2006 passed by respondent no.1 annexed as annexure 6 to the writ petition and further commanding the respondent no.1 to pass the appropriate order on the application paper 156 C-2 dated 18.10.2004 filed by the petitioner.

Briefly stated according to the petitioners, they have filed an application paper no.156 GA-2 for framing additional issues under order 14 Rule 1 read with order 14 Rule 5 in proceedings under order 21 Rule 97, the same has been rejected.

Counsel for the respondent Sri Kawaljeet Singh has submitted that the court below has already covered all the issue and therefore the additional issues are not required to be framed.

Considering the fact that the additional issues although it covers all the issues already framed, there will be no harm if additional issues are framed in order to meet out the pleadings of both the parties. The Court below therefore is directed to frame additional issues and decide the same alongwith issues already framed at the earliest and the matter is directed to be disposed of in

accordance with law within a period of three months from the date of production of certified copy of this order.

Subject to the aforesaid observation, writ petition is disposed of accordingly. No order as to costs.

28.06.2006 **(Rajesh Tandon, J.)**

Jain